

GAU 3737

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GOLDBERG et al.

Serial No.: 09/140,979

Filed: August 27, 1998

Atty. File No.: 3367-4

For: "INTERNET TOURNAMENT  
STRUCTURE"



Group Art Unit: 3737

# 12

Examiner: George Manuel

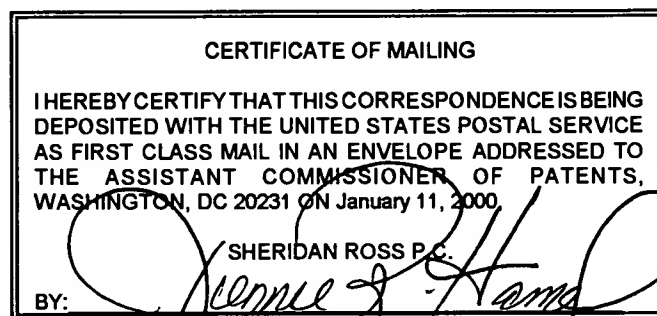
Batch No.: G63

10/5/00

**PETITION FOR CORRECTION  
OF INVENTORSHIP  
(37 CFR 1.48(c))**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:



Applicants hereby petition to correct inventorship in the above-identified application by

adding John Van Antwerp. Enclosed herewith are:

1. A statement from John Van Antwerp indicating that the error in inventorship occurred without deceptive intention on his part.
2. A Declaration signed by all inventors as required by Rule 1.63.
3. A check for the fee set forth in 37 CFR 1.17(i). Kindly charge any underpayment or credit any overpayment to Deposit Account No. 19-1970.

If the present Petition is granted, Applicants respectfully request Sheldon Goldberg be the first-listed inventor when the patent issues.

Kindly charge any underpayment or credit any overpayment to Deposit Account No. 19-

1970.

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Approved  
by EPE Manual  
10/10/00

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Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik

Registration No. 33,005

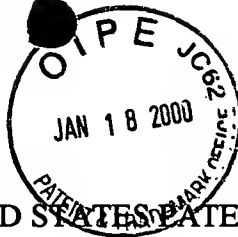
1560 Broadway, Suite 1200

Denver, Colorado 80202

(303) 863-9700

Date: 1/14/00

J:\3367\4\Petition for Correction of Inventorship.wpd



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GOLDBERG et al.

Serial No.: 09/140,979

Filed: August 27, 1998

Atty. File No.: 3367-4

For: "INTERNET TOURNAMENT  
STRUCTURE"

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned declares as follows:

1. My name and mailing address are as set forth below by my signature.
2. I have read and reviewed the above-identified application and believe I am an inventor for the above-identified application.
3. I was named as an inventor in the above-identified application due to an amendment to the claims and the inventorship error occurred without deceptive intention on my part.

Dated this 17<sup>th</sup> day of JANUARY, 2000.

By: John M. Van Antwerp  
John Van Antwerp  
110 E. Perry Street  
Pittsfield, Illinois 62363

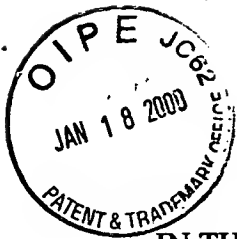
) Group Art Unit: 3737

) Examiner: George Manuel

) STATEMENT BY ADDED INVENTOR  
) IN SUPPORT OF PETITION TO  
) CORRECT INVENTORSHIP UNDER  
) 37 CFR 1.48(c)

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, DC 20231 ON <u>1/14/2000</u> .	
BY:	<u>SHERIDAN ROSS P.C.</u> <u>[Signature]</u>

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**RULE 63 (37 CFR 1.63)**  
**DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe that, I am the original, first and joint inventor along with the other below named inventor, of the subject matter which is claimed and for which a patent is sought on the invention entitled "INTERNET TOURNAMENT STRUCTURE," the specification of which is identified as Attorney File No. 3367-4 and filed on August 27, 1998 having Serial No. 09/140,979.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated as Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>		<u>Priority Claimed</u>	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u> <u>No</u>

n/a

I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
60/058,006	08/27/98	provisional (pending at filing)
08/759,895	12/03/96	patented
06/010,361	01/19/96	abandoned
06/010,703	01/26/96	abandoned
09/105,401	06/26/98	pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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1) Inventor's Signature  Date 12/29/99

Inventor's Name (typed): Sheldon F. Goldberg

Citizenship: U.S.A.

Residence: 3360 E. Serene  
Henderson, Nevada 89014

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

2) Inventor's Signature  Date 12/20/99

Inventor's Name (typed): John Van Antwerp

Citizenship: U.S.A.

Residence: 110 E. Perry Street  
Pittsfield, Illinois 62363

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."



37 CFR §1.56(a) and (b)  
**DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application,  
and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."